REMARKS

In accordance with the foregoing, the Abstract, the Specification and the Claims have been amended. Claims 1-3, 5-7 and 9 are amended and new claims 13-18 are presented. Claims 4 and 11 are cancelled. **Claims 1-3, 5-7, 9 and 13-18 are pending and under consideration.**

Support for new claim 13 can be found in the specification as originally filed at page 13, lines 12-36.

Support for new claims 14-15 can be found in the specification as originally filed at page 12, lines 3-8, and page 7, lines 15-25.

Support for new claims 16-18 can be found in the specification as originally filed at page 12, line 9 – page 13, line 36.

No new matter has been added, and approval and entry of the foregoing specification and claim amendments and new claim is respectfully requested.

ITEM 3: CLAIMS 1, 6, 9, AND 11 ARE REJECTED UNDER 35 U.S.C. §102(e) AS BEING ANTICIPATED BY ROTHMAN ET AL. (2002/0072984 A1).

Rothman discusses sending, to a user, information from a central server based on local distributors' inventory and, if an offline purchase is requested, then the user is prompted to select from among the local distributors for pickup and payment. (see Rothman, paragraph [0075]).

In contrast, the server device of the present invention comprises:

a receiving unit receiving requests for product information from a customer via a client device; and

a processing unit identifying inventory information of near stores having an address near an address designated by the customer, determined by comparing a postal code whose first predetermined number of digits are the same as first predetermined number of digits of a postal code of the address designated by the customer, and transmitting, to the client device in response to the request for product information, the identified product inventory information on an individual-store basis corresponding to the respective near stores selected on the basis of customer identification information received from the client device.

Additionally, no identifying marks, as recited in claim 6 of the present invention, designating the proximity of individual stores is discussed in Rothman, rather, the user is

prompted to select a local distributor to physically purchase the product. In contrast, the server device of the present invention adds identifying marks to the transmitted product inventory information to identify stores nearest the address designated by the customer.

In view of the above, it is respectfully submitted that the rejection of the claims detailed in item 3 is overcome.

ITEM 4: CLAIMS 1, 2, 4-7, 9 AND 11 ARE REJECTED UNDER 35 U.S.C. §102(e) AS BEING ANTICIPATED BY MACGREGOR ET AL. (2002/0087522 A1).

Macgregor discusses a database for sequencing results according to discrete geographic descriptions including zip codes, GPS coordinates, etc. However, the present invention recites transmitting, to the client device in response to the request for product information, product inventory information on an individual-store basis corresponding to stores selected on the basis of customer identification information, wherein the processing unit selects stores, as the near stores having a postal code whose first predetermined number of digits are the same as first predetermined number of digits of a postal code of the address designated by the customer.

Macgregor discusses listing the results of a search based on location of the individual merchant, but does not teach selecting stores based on the digits of the zip code and relaying product inventory information based on stores selected as near stores. Rather, Macgregor requires a relational database storing a list of all postal codes in a relevant geographic region so that the search engine server may determine the neighboring postal codes to a particular postal code. (see Macgregor paragraph [0039]).

In view of the above, it is respectfully submitted that the rejection of the claims detailed in item 4 is overcome.

ITEM 6: CLAIM 3 IS REJECTED UNDER 35 U.S.C. §103 AS BEING UNPATENTABLE OVER MACGREGOR ET AL. (2002/0087522 A1).

Applicants respectfully traverse the Examiner's 103 rejection, as a prima facie case of obviousness has not been properly established. To establish a prima facie case of obviousness there must be a suggestion or motivation to combine reference teachings. MPEP §2142. It is inappropriate to simply make a conclusory statement that it would have been obvious to one of ordinary skill in the art to further include hours of operation without any suggestion, motivation or teaching to do so.

In view of the above, it is respectfully submitted that the rejection to claim 3 detailed in item 6 is overcome.

CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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